

litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, the inspector shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).  
 Allium spp. (onion, chive, garlic, leek, scallion, shallot).  
 Anise (*Pimpinella anisum*).  
 Apio, celery root (*Arracacia xanthorrhiza*).  
 Arrowroot (*Maranta arundinacea*).  
 Artichoke, Jerusalem (Helianthus tuberosus).  
 Asparagus.  
 Avocado.  
 Balsamapple, balsam-pear (*Momordica balsamina*; *M. charantia*).  
 Banana and plantain (fruit).  
 Banana leaves (fresh, without stalks or midrib).  
 Beans (fresh shelled lima and faba beans).  
 Beet, including Swiss chard.  
 Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).  
 Breadfruit, jackfruit (*Artocarpus* spp.).  
 Cacao bean (*Theobroma cacao*).  
 Carrot.  
 Celery.  
 Chayote (*Sechium edule*).  
 Chicory, endive (*Cichorium intybus*).  
 Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.  
 Cucumbers, including Angola cucumber (*Sicana odorata*).  
 Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).  
 Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).  
 Eggplant.  
 Fennel.  
 Ginger root (*Zingiber officinale*).  
 Horseradish (*Armoracia*).  
 Kudzu (*Pueraria thunbergiana*).  
 Lerens, sweet corn root (*Calathea allouia*).  
 Lettuce.  
 Mangosteen (*Garcinia mangostana*).  
 Mustard greens.  
 Palm hearts.  
 Papaya, lechosa (*Carica papaya*).

Parsley.  
 Parsnip.  
 Peas (in pod) (*Pisum sativum*).  
 Pigeon peas (fresh shelled) from the U.S. Virgin Islands.  
 Pineapple.  
 Potato.  
 Quenepa (*Melicocca bijuga*).  
 Radish.  
 Rhubarb.  
 Rutabaga.  
 Spinach.  
 Squash, pumpkin, watermelon, vegetable-marrow, cantaloup, calabaza.  
 Strawberry.  
 Sweetpotato (*Ipomoea batatas* Poir.).  
 Tamarind beanpod (*Tamarindus indica*).  
 Tomato.  
 Turnip.  
 Watercress.  
 Waterlily root, lotus root (*Nelumbium nelumbo*).  
 Yam, name (*Dioscorea* spp.).  
 Yautia, tanier (*Xanthosoma* spp.).  
 Yuca, cassava (*Manihot esculenta*).

(3) Cactus plants or parts thereof from the Virgin Islands of the United States may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

(4) Pigeon peas (fresh shelled or in the pod) from Puerto Rico may be moved to any other area of the United States only if treated in accordance with part 305 of this chapter.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 30 FR 749, Jan. 23, 1965; 36 FR 24917, Dec. 24, 1971. Redesignated and amended at 54 FR 3580, Jan. 25, 1989; 55 FR 5436, Feb. 15, 1990; 68 FR 2683, Jan. 21, 2003; 68 FR 28114, May 23, 2003; 70 FR 33324, June 7, 2005; 71 FR 4463, Jan. 27, 2006]

#### § 318.58-3 Conditions of movement.

(a) *To any destination.* Any regulated articles may be moved interstate from Puerto Rico or the Virgin Islands of the United States in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with § 318.58-4, or

(2) The movement is exempted from certificate requirements by administrative instructions in this subpart.

(b) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited

movement from those territories into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.58-12 of this subpart.

(c) *Segregation of certified articles.* Articles authorized for movement by a certificate after treatment in accordance with § 318.58-4(b), taken aboard any ship, vessel, other surface craft, or aircraft in Puerto Rico or the Virgin Islands of the United States, must, under the supervision of an inspector, be segregated and protected from infestation by any plant pest or disease.

(d) *Attachment of certificates.* Except as otherwise provided for certain air cargo and containerized cargo on ships moved in accordance with § 318.58-10, each box, bale, crate, or other container of regulated articles moved under a certificate shall have the certificate attached to the outside of the container: *Provided*, that if a certificate is issued for a shipment of more than one container or for bulk products, the certificate shall be attached to or stamped on the accompanying waybill, manifest, or bill of lading.

[54 FR 3580, Jan. 25, 1989, as amended at 58 FR 7962, Feb. 11, 1993]

**§ 318.58-4 Issuance of certificates or limited permits.**

Under the following conditions, an inspector may issue a certificate or limited permit for the movement of regulated articles to be moved in accordance with this subpart:

(a) *Certification on basis of inspection or nature of lot involved.* An inspector may issue a certificate for fruits and vegetables designated in § 318.58-2(b)(1) after the inspector has inspected them and found that they appear free from infestation and infection, or has determined without an inspection that the lot for shipment is of such a nature that there appears to be no danger of infestation or infection.

(b) *Certification on basis of treatment.* Fruits and vegetables designated in § 318.58-2(b) may be certified after undergoing an approved treatment contained in part 305 of this chapter under the supervision of an inspector and if the articles are handled after treat-

ment in accordance with all conditions that the inspector requires. Treatments shall be applied at the expense of the shipper, owner, or person in charge of the articles. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised under this subpart.

(c) An inspector may issue a limited permit for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles are to be moved in accordance with § 318.58-12 of this subpart.

[54 FR 3581, Jan. 25, 1989, as amended at 58 FR 7962, Feb. 11, 1993; 67 FR 8465, Feb. 25, 2002; 70 FR 33324, June 7, 2005]

**§ 318.58-4a Administrative instructions authorizing the movement from Puerto Rico of frozen fruits and vegetables.**

(a) The Administrator of the Animal and Plant Health Inspection Service, pursuant to the authority contained in §§ 318.58-2 and 318.58-3, approves the process of quick freezing in accordance with part 305 of this chapter as a treatment for all fruits and vegetables described in § 318.58-2, except as otherwise provided in paragraph (c) of this section. Such frozen fruits and vegetables may be certified for movement from Puerto Rico into or through any other Territory, State, or District of the United States in accordance with § 318.58-3.<sup>2</sup>

(b) The inspector in Puerto Rico shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Puerto Rico.

(c) The movement from Puerto Rico of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may

<sup>2</sup>Further information concerning the movement of frozen fruits and vegetables from Puerto Rico may be obtained from the Plant Protection and Quarantine Programs, Room 4, Post Office Bldg., P.O. Box 3386, San Juan, PR 00901.